
By: **Delegates Amedori, Getty, O'Donnell, Boschert, Bozman, Brinkley,
Cryor, DeCarlo, Edwards, Elliott, Glassman, Greenip, Kach, Klima,
Leopold, McKee, Owings, Ports, Rzepkowski, Shank, Stocksdale, Stull,
Walkup, Weir, Riley, Baldwin, Boutin, and Klausmeier**

Introduced and read first time: January 26, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Firearms - Possession After Criminal Convictions - Mandatory Sentences**

3 FOR the purpose of prohibiting a person from possessing, owning, wearing, carrying,
4 or transporting certain firearms under certain circumstances; providing certain
5 mandatory minimum sentences under certain circumstances; prohibiting
6 certain persons from receiving probation before judgment under certain
7 circumstances; defining certain terms; and generally relating to mandatory
8 minimum sentences for certain firearm offenses.

9 BY adding to
10 Article 27 - Crimes and Punishments
11 Section 154
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1999 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article 27 - Crimes and Punishments
16 Section 445(d)(1)
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1999 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article 27 - Crimes and Punishments**

22 154.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

25 (2) "CRIME OF VIOLENCE" MEANS:

1 (I) A CRIME AS DEFINED IN § 643B OF THIS ARTICLE; OR

2 (II) AN OFFENSE UNDER THE LAWS OF THE UNITED STATES,
3 ANOTHER STATE, OR THE DISTRICT OF COLUMBIA THAT WOULD CONSTITUTE A
4 CRIME OF VIOLENCE IF COMMITTED IN THIS STATE.

5 (3) "FIREARM" INCLUDES:

6 (I) HANDGUN, ANTIQUE FIREARM, RIFLE, SHOTGUN,
7 SHORT-BARRELED SHOTGUN, OR SHORT-BARRELED RIFLE, AS THOSE TERMS ARE
8 DEFINED IN § 36F OF THIS ARTICLE;

9 (II) MACHINE GUN, AS DEFINED IN § 372 OF THIS ARTICLE; AND

10 (III) REGULATED FIREARM, AS DEFINED IN § 441 OF THIS ARTICLE.

11 (B) A PERSON MAY NOT POSSESS, OWN, WEAR, CARRY, OR TRANSPORT A
12 FIREARM IF THE PERSON HAS BEEN CONVICTED OF A CRIME OF VIOLENCE.

13 (C) (1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A
14 PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION
15 IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 5 NOR MORE THAN 20 YEARS.

16 (2) THE COURT MAY NOT SUSPEND ALL OR PART OF THE MANDATORY
17 5-YEAR SENTENCE REQUIRED UNDER THIS SUBSECTION.

18 (3) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL SERVICES
19 ARTICLE, A PERSON CONVICTED UNDER THIS SUBSECTION SHALL NOT BE ELIGIBLE
20 FOR PAROLE.

21 (D) (1) IF A PERSON HAS BEEN CONVICTED ON AT LEAST TWO SEPARATE
22 OCCASIONS OF A CRIME OF VIOLENCE WHERE THE CONVICTIONS DO NOT ARISE
23 FROM A SINGLE INCIDENT, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
24 FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 10
25 NOR MORE THAN 20 YEARS.

26 (2) THE COURT MAY NOT SUSPEND ALL OR PART OF THE MANDATORY
27 10-YEAR SENTENCE REQUIRED UNDER THIS SUBSECTION.

28 (3) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL SERVICES
29 ARTICLE, A PERSON CONVICTED UNDER THIS SUBSECTION SHALL NOT BE ELIGIBLE
30 FOR PAROLE.

31 (E) A PERSON CONVICTED UNDER THIS SECTION IS NOT ELIGIBLE FOR
32 PROBATION PRIOR TO JUDGMENT, AS PROVIDED UNDER § 641 OF THIS ARTICLE.

33 445.

34 (d) A person may not possess a regulated firearm if the person:

35 (1) Has been convicted of:

- 1 (i) [A crime of violence;
- 2 (ii)] Any violation classified as a felony in this State;
- 3 [(iii)] (II) Any violation classified as a misdemeanor in this State
- 4 that carries a statutory penalty of more than 2 years; or
- 5 [(iv)] (III) Any violation classified as a common law offense where
- 6 the person received a term of imprisonment of more than 2 years.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2000.